

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 23361 of 2019**

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RAJU @ RAJA S/O MANUBHAI PATNI

Versus

STATE OF GUJARAT

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Appearance:

MR RS ZEENA FOR MR O I PATHAN(7684) for the Petitioner(s) No. 1

MR HARDIK MEHTA AGP (1) for the Respondent(s) No. 1

NOTICE SERVED BY DS(5) for the Respondent(s) No. 2,3

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CORAM: HONOURABLE MR. JUSTICE S.H.VORA**Date : 30/09/2020****ORAL ORDER**

1. Learned Assistant Government Pleader places communication dated 29.09.2020 issued by P.I., Shaherkotda police station, Ahmedabad City, which is ordered to be taken on record, and states at bar that no order has been passed against the petitioner under the provision of Gujarat Prevention of Anti Social Activities Act, 1985 (for short 'the PASA Act'). In view of the above fact and as observed by the Division Bench of this Court (Coram : Hon'ble the Chief Justice Mr. R.Subhash Reddy and Hon'ble Mr. Justice Vipul M. Pancholi) vide order dated 08.10.2018 passed in Letters Patent Appeal No. 1281 of 2018 in Special Civil Application No. 6693 of 2018 with Civil Application No. 1 of 2018, present petition does not survive.

2. The Division Bench of this Court has observed in Para – 4 in above referred decision, which is as under:

“4. During the course of hearing, learned counsel appearing for the appellant has fairly admitted that there is no order of detention passed under the provisions of PASA Act of 1985. If no such order of detention is passed, we fail to understand

how such a petition, seeking the relief as sought for, could have been filed. While it is open for the appellant to file such a petition, when the order of detention is passed, if there is any ground available to challenge the same before the same is executed, but at the same time, if order of detention is not passed under the provisions of PASA Act, no such petition can be maintained seeking the relief as sought for."

3. In view of the above, present petition does not survive. Accordingly, present petition stands disposed of as not survived. Rule is discharged.

4. However, the petitioner is at liberty to file a fresh petition in case of order passed under the PASA Act.

(S.H.VORA, J)

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